

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Cassius Lamar Shine,	:
Plaintiff,	:
	:
v.	: File No. 2:06 CV 237
	:
Robert Hofman, Susan Blair,	:
Jodie Chafee, Modiano,	:
Kevin Ashburn, Nick Burnham,	:
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed January 25, 2008. Plaintiff's objections were filed February 4, 2008 and Defendants' objections were filed on February 14, 2008.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

The defendants' motion to dismiss (Paper 5) is **GRANTED** in part and **DENIED** in part. Specifically, it is ordered that the

motion be **GRANTED** with respect to Shine's First Amendment claim that his access to the courts was impeded, and with respect to his Fourteenth Amendment substantive due process claim concerning his placement in disciplinary segregation. The motion is also **GRANTED** with respect to any claims for damages brought against the defendants in their official capacities. The motion is otherwise **DENIED**.

Dated at Burlington, in the District of Vermont, this 7th day of March, 2008.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge